

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

CRAIG JOHNSON,

Civil No. 09-1045 (JRT/RLE)

Plaintiff,

v.

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

LARRY ALMSTEAD,

Defendant.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Raymond L. Erickson dated May 12, 2009 [Docket No. 3]. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, upon all of the files, records, and proceedings herein, the Court now makes and enters the following Order.

IT IS HEREBY ORDERED:

1. That this action is summarily dismissed pursuant to Title 28 U.S.C. §1915(e)(2)(B)(ii).
2. That the Plaintiff's Application to Proceed in forma pauperis [Docket No. 2] is **DENIED**, as moot.

DATED: June 8, 2009
at Minneapolis, Minnesota.

s/John R. Tunheim
JOHN R. TUNHEIM
United States District Judge